

# Hawaiian Gazette

## 12-PAGE EDITION.

TUESDAY, DECEMBER 5, 1893.

On another page of this issue will be found a poem of four stanzas, from the pen of a rising young poet of Boston. Some of his thoughts are beautifully expressed, and the whole forms a gem worthy of a place in the yet-to-be-published volume of Hawaiian poetry. We hope to hear from him again.

Two articles are reproduced in our columns from American journals, referring to the legal or constitutional points raised by our Hawaiian problem. Although no similar case to ours has ever arisen in the history of the United States, yet the authority to act under the constitution, and in whom the authority vests are vital topics for discussion. It is quite on it will that all the facts bear, and some be fully investigated by the definite decision of the action of the Senate to act in future. The administration from the Washington correspondent is very pronounced against the legality and propriety of the proposed restoration of the monarchy. Both articles have a bearing on our case, and possess interest at this time.

The feeling of the diplomatic corps in Washington city as well as of the public in general may be seen from the following extract from the Washington correspondence of the Chicago Inter-Ocean of latest date:

"The spirit of boiling indignation at the unpatriotic, un-American act of the Administration shows no sign of quieting down. The same harsh terms of condemnation are heard that first greeted the announcement that a rotten monarchy was to be restored in Hawaii by the intervention of the United States Government. There is not one in a hundred in this city who agrees with the President and Secretary Gresham. A leading member of the diplomatic corps, in discussing privately the action of the Administration, said: 'Why, what great inconsistency, not to use a stronger term, is shown by your Government. In the Brazilian affair you declare the policy and doctrine that no power shall interfere to re-establish a monarchy, which was the mildest and most democratic in history; yet, in the case of Hawaii, you propose to overthrow a republic which is established, and whose representatives have been received and credited by the leading Powers of the world, and in its place you propose to restore a monarchy, the most despotic, degraded, and disolute of modern times. Is it not a strange position for a great Government like the United States to assume?'"

The statement of the Minister of Finance, made at the meeting of the Councils Thursday, and published to-day in the proceedings of the Executive Council may be taken as voicing the sentiment of the Provisional Government. If Mr. Blount presented to President Cleveland all the facts which he collected while here, the President has sufficient evidence on which to base a correct and just decision of the merits of the Hawaiian question. But Secretary Gresham's letter is not based on the facts as obtained by Mr. Blount, but only on a one-sided and partial view of the case. If Mr. Blount's evidence is published in full, the people will be able to decide the case honestly, even if the executive fails to do so. The Minister's statement gives the assurance, which all will be glad to see, that the Provisional Government "will resist any attacks upon the government from whatever source they may come."

Public men in Washington, without regard to party, are astounded at the information made public by Secretary Gresham after the meeting of the Cabinet today, and whatever they may say for publication, Democrats and Republicans alike privately admit that in their opinion the administration has gone too far. They admit further their belief that had the correspondence given out tonight reached the public last week the elections of Tuesday would have been more disastrous to the party in power.—New York Sun.

Artistic printing at the GAZETTE Office.

### "INTERNATIONAL PIRACY."

#### Some Features of the Hawaiian Matter.

In every foreign complication we are always blessed with the views of the "diplomatic expert," whose startling opinions are conveyed to us in the dispatches with bated breath. Dear old expert—what should we do without him?

The Hawaiian row has brought him forward again in the person of John A. Kasson, formerly American Minister to Austria and later to Germany. Mr. Kasson is called "one of the best-known international lawyers in Washington," and his opinion on Hawaiian matters is said to have caused a sensation. We should think that it might legitimately cause a sensation if it were a gentleman of so much so little diplomatic experience, known. Mr. Kasson asserts that on the Hawaiian United States without a previous Government declaration of war, would be public of "international piracy," and says down the broad principle: "Among the civilized nations it is universally admitted to be international law that no war-like force can be moved against any other recognized foreign Government without a previous published declaration of war, except where danger to the rights of the attacking Government or its citizens is so imminent as to admit of no delay."

If this proposition were reversed it would be more nearly in accordance with the facts. Among all the discordant opinions concerning the next great European war there is one point upon which there is universal agreement, and that is that it will break out without a formal declaration, and that the first thing the world will hear of the outbreak of hostilities will be the news that the armies of one Power have poured across the frontier of another. Every military nation in Europe is jockeying for position in order to be able to get across the line first when the time comes. During the Schnaebelé crisis between France and Germany the soldiers of the German cavalry near the frontier stayed up all of one night with their horses saddled and bridled ready for the order to advance. Italy is said to have been planning a descent upon France during the Toulon festivities.

In our own experience we carried on hostilities with France in 1798-99 without any declaration of war on either side, and we fought two battles with Mexico before Congress took action. When the declaration was issued it was put in the form of a statement of an existing condition. Mr. Kasson is so enamored of his theory that he reads it into the Constitution. He asserts:

In respect to our own Government, this international rule is made imperative by the Constitution, which requires the declaration to be made by Congress, which bars the idea of secrecy.

This is not the way the law is interpreted by the Courts. In the case of the Amy Wernick the rule was laid down:

The United States may engage in war and have all the rights of a belligerent without any declaration by Congress.—2 Sprague, 123.

But while there is no such thing as "international piracy," and a nation has a perfect right to begin hostilities against another without a declaration of war, there is no doubt of the fact that under our Constitution Congress is the war-making power, and the President has no right to take aggressive action against any foreign country without its sanction. In the archives of the State Department the President and Secretary Gresham could have found abundant warning against the course they have been said to be pursuing. In 1851 Daniel Webster, then Secretary of State—and writing about a Hawaiian matter too—said:

In the first place I have to say that the war-making power in this Government rests entirely with Congress, and that the President can authorize belligerent operations only in the cases expressly provided for by the Constitution and the laws. By these no power is given to the Executive to oppose an attack by one independent nation on the possessions of another. We are bound to regard both France and Hawaii as independent States, and equally independent, and though the general policy of the Government might lead it to take part with either in a controversy with the other still if this interference be an act of hostile force, it is not within the constitutional power of the President, and still less is it within the power of any subordinate agent or Government civil or military.

Again, when England in 1857 desired to draw the United States into hostile operations against China, Secretary Cass wrote to Lord Napier:

This proposition, looking to a participation of the United States in the existing hostilities against China, makes it proper to remind your lordship that, under the Constitution of the United States, the executive branch of this Government is not the war-making power. The ex-

ercise of that great attribute of sovereignty is vested in Congress, and the President has no authority to order aggressive hostilities to be undertaken. Our naval officers have the right—it is their duty, indeed—to employ the forces under their command, not only in self-defense, but for the protection of the persons and property of our citizens when exposed to acts of lawless outrage, and this they have done, both in China and elsewhere, and will do again when necessary. But military expeditions into the Chinese, without authority of the nation's legislature.

In 1859 the lives and property of American citizens on the Isthmus of Panama, Central America and Panama, and President Buchanan in Mexico not feel that he could exert an, on such pressure as was necessary for their efficient protection without Congressional authority. In his annual message he said:

I deem it my duty once more earnestly to recommend to Congress the passage of a law authorizing the President to employ the naval force at his command for the purpose of protecting the lives and property of American citizens passing in transit across the Panama, Nicaragua and Tehuantepec routes against sudden outbreaks and depredations. I would also again recommend to Congress that authority be given to the President to employ the naval force to protect American merchant vessels, their crews and cargoes, against violent and lawless seizures and confiscation in the ports of Mexico and the Spanish-American States, when these countries may be in a disturbed and revolutionary condition. The mere knowledge that such authority had been conferred, as I have already stated, would of itself in a great degree prevent the evil.

In 1805 the Spaniards were committing depredations on American territory. President Jefferson gave this explanation of his method of meeting them:

Considering that Congress alone is constitutionally invested with the power of changing our condition from peace to war, I have thought it my duty to await their authority for using force in any degree that could be avoided. I have barely instructed the officers stationed in the neighborhood of the aggressions to protect our citizens from violence, to patrol within the borders actually delivered to us, and not to go out of them but when necessary to repel an inroad, or to rescue a citizen of his property.

No doubt the members of the Hawaiian Provisional Government are acquainted with this unbroken line of precedents. They know that while force may be threatened, no American President would venture to exercise it without the authority of Congress, and their knowledge of this fact, and action upon it, may have been responsible for the sudden cipher dispatch from Minister Willis and the apparent embarrassment of the Administration.—S. F. Examiner, Nov. 17.

### HAWAII AND INTERNATIONAL LAW.

#### The Situation Discussed From a Legal Point of View.

Speaking of Secretary Gresham's recent letter to the President relative to Hawaiian affairs, a distinguished member of the Washington bar stated to a Washington Star reporter that the step proposed to the President was not only un-American, also but contrary to the laws of international neutrality. Un-American, because it sought indirectly, if not directly, to restore a monarchy, a form of government wholly repugnant to every true American, and contrary to international law, because whatever may have been the cause or causes which overthrew the Hawaiian Monarchy, whether the influence of the United States had been wrongfully exerted in that direction or not, by overzealous or designing citizens and officers of this country, the fact remained that the reigning sovereign was deposed and a provisional government established. That Provisional Government, it appeared, had been duly recognized by this country, both by the last and the present administration. And it also appeared that the Provisional Government had been fully recognized by other countries. Because of such recognition the Provisional Government had in contemplation of international law, as the Star's informant understood it, thereby become an established government, fully entitled to all the rights and privileges of other established governments.

"So established," continued the lawyer, "the Provisional Government possessed the right to continue until the people of the Hawaiian Islands, not the people of the United States, chose to change it. Suppose England or Germany or, indeed, any other power had proposed to crush out the Provisional Government by the restoration of Queen Liliuokalani to her former throne the United States would have been, and properly so, the very first government to have protested against such a step. And, if I mistake not, this government would have followed up its protest with a declaration of war, its protest failing to prevent foreign interference. Yet, in taking such a step against the interference of another

power the United States Government would not have been justified because of any rights, actual or supposed, acquired by it in Hawaii through the establishment of the Provisional Government, as one of the great powers of the world could have justly rested its right to prevent foreign interference upon the sole and ample ground that such a foreign interference would have been a violation of the laws of neutrality.

"But I cannot believe that this Government's representative has been instructed to restore the deposed Queen to her throne at all hazards, with force if necessary, for it is simply too preposterous. The old maxim that two wrongs do not make a right applies very strongly in this case. If we did wrong in aiding the dethronement of the Queen we certainly should not commit another wrong by overthrowing the present Provisional Government. To restore the late Queen to her throne would, in my opinion, amount to a violation by this government of one of its grandest positions—the Monroe doctrine. That doctrine, which every subsequent administration has proudly maintained, is, in effect, that the United States will not allow the establishment of any monarchical form of government on the American continent, and yet this Administration, if reported correctly, proposes doing that very thing upon what is virtually American territory. But, as I have said, I cannot believe that such is really the purpose of the present Administration."

### IS IT CONSPIRACY?

It is a very suspicious circumstance that the publication of Secretary Gresham's report on the Hawaiian matter, which was dated October 18, was withheld until it was too late to notify the Provisional Government at Honolulu of the administration's intentions. We cannot tell until the mail arrives from Honolulu, what action has been taken, but it is clear that the publication of Gresham's report was practically simultaneous with the arrival of Minister Willis and Admiral Irwin at Honolulu. If President Cleveland's orders accord with Secretary Gresham's report, the blow has fallen like a thunderbolt upon Hawaii. The secrecy which has been maintained for a month and more, seems to have been designed to prevent the Hawaiian Provisional Government from taking any measure to defend its existence. Such methods are characteristic of conspirators. The United States Senate was in session when Secretary Gresham's report was made, but the President did not inform the Senate of his intentions. He did not care for the Senate's advice. He was well aware that the Senate is his constitutional adviser in all international questions, and yet he preferred the authority into his own hands, to secretly carry out his plans and to inform the country through the press, only when it was too late for public sentiment to interfere with his designs.

The few defenders of the President's action say that if the royal government of Hawaii was deposed by the power of the United States, it is only right to make reparation by restoring that government. That begs the question. There is no question of fact at issue between Secretary Gresham and ex-Minister Stevens, the late Captain Wiltse, Hawaiian Minister Thurston and the Hawaiian Commissioners. The fact that the Provisional Government was promptly recognized by other governments is a strong point in favor of its contention that the revolution was legitimate. If it had been brought about by the interference of the United States, it is possible that the other governments, or some of them would not have protested?

President Cleveland did not dare to take the United States Senate and the American people into his confidence until he had perfected his arrangements for executing his purpose. We may still hope that the outcome at Honolulu may be less scandalous than we fear, but that will not excuse the administration for its secret intrigue. It is reported that the cabinet was divided upon the issue. The New York Herald states that Mr. Carlisle and Mr. Lamont "did not fully agree on the plan finally adopted." It is reported also that Secretary Herbert was opposed to using the navy for the restoration of the Queen, and that Attorney General Olney was opposed to the scheme altogether. If this is true, Mr. Cleveland's character as autocrat stands out in lurid light. We may be very sure that the United States senate will demand an explanation from the executive. The New York Herald learns from two prominent senators, one of them a Democrat—probably Senator Morgan of Alabama—that a joint resolution will be introduced in the

senate directing the President to recognize the Provisional Government as the only sovereign power on the Hawaiian islands, and another of inquiry as to why the President has used the power of the United States to set up a monarchy in a country having a fixed government recognized by the United States and by other nations, and enjoying friendly relations with our government through its diplomatic representatives.

The American people await the next mail from Honolulu with the greatest interest and anxiety. We hope to hear that the Provisional Government still maintains its authority, in spite of the action of Minister Willis. But perhaps we hope against hope.—Springfield Union.

### Bishop Newman's Views.

MINNEAPOLIS, Minn., Nov. 13.—The Venerable Bishop John P. Newman, General Grant's old pastor, and the bosom friend of many public men of this and the previous generation, paid a missionary visit to the Hawaiian Islands just before the revolution.

Talking on the subject last night at the West Hotel, Bishop Newman said: "I do not believe that the people of the country will ever permit President Cleveland to restore the monarchy. He cannot do it. How is it to be accomplished? These are questions upon which the people may have something to say. When I was in the country the people were ripe for independence. The leaders of the revolution were the cream of intelligence and dignity of its residents. The fact is that but for American influences the islands would be in a rapid state of decadence. The underlying idea seems to get in a fling at General Harrison."

### The Latest Bulletin.

All hail! Queen Lil. All hail! 'tis due  
This loud and long refrain;  
In fact the prospect now for you  
Shows much more hail than reign.  
—Washington Star.

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The PHONOGRAPH PARLORS are open daily from 9 A.M., and opportunity is given to visitors to select from a thousand records, which will be reproduced at request on the non-automatic machine also on exhibition, and in use, at the PHONOGRAPH PARLORS, Arlington Block, Hotel street. 3549-1w 11-w

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### Our Aim

is perfection, and we will get as near to it as mortal can. What is worth at all is worth doing well, so well 'twill be. Recognizing the importance of a thoroughly reliable watch repairing department, it has been my constant aim to make it perfect and have secured therefore the best skill obtainable.

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that my holiday goods will be out the end of this week.  
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